

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3691 of 2023****Date of Decision: 17.07.2023**

Jaspreet Singh

... Petitioner(s)

Versus

Bikkar Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Kulbir Singh Sekhon, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. A suit for recovery of ₹6,20,000/- on the basis of a pronote and receipt was decreed by the trial Court. The petitioner, while filing the first appeal, filed an application for permission to file the appeal in *forma pauperis* which has been dismissed by the First Appellate Court.

2. The learned counsel representing the petitioner submits that the petitioner has specifically filed an application for permission to file an application for permission to file an appeal without affixing the court fee as he is unable to arrange the funds for the required court fee. He submits that the First Appellate Court without referring the matter to the Collector for getting a report has chosen to dismiss the application. He further submits that if an opportunity is granted to the petitioner, he is prepared to make good the deficiency in the court fee within the next three weeks.

3. Keeping in view the aforesaid facts, the present revision petition is disposed of with the liberty to the petitioner to file an application

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before the First Appellate Court in this regard along with an application for condonation of delay which shall be disposed of by it in accordance with the law. The impugned order passed by the First Appellate Court will not operate as a bar from entertaining and disposing of the application. Since this order has been passed without issuing the notice to the respondent, hence, he shall have the liberty to file an application to recall the order.

(Anil Kshetarpal)
Judge

July 17, 2023
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No